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EXAMINER

HWANG, VICTOR KENNY

ART UNIT PAPER NUMBER

3764

DATE MAILED: 09/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,178

Applicant(s)

MYERS ET AL. *CN*

Examiner

Victor K. Hwang

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-21 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 12 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Claim Objections***

1. Claim 12 is objected to because of the following informalities: the recitation "a second coupling system" presumably refers to a first coupling system since there has not been a first coupling system recited yet in the chain of claims from which claim 12 depends. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 8-10, 14-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Webb et al.* (US Pat. 5,776,040). *Webb et al.* discloses an exercise apparatus having an exercise station selectively moved by a user and having first and second weight stack resistance assemblies (Fig. 6) that selectively provide resistance to movement of the exercise station. The first weight stack 82' can be selectively coupled to the exercise station by a first cable and pulley system coupled to the frame, a first selector rod 92' coupled to the cable and pulley system 66', and a pin 93' selectively coupling the first weight stack to the first selector rod. The second weight stack 102' is selectively coupled to the first weight stack by a second selector rod 108' selectively receiving a pin 116', such that, when the first and second weight stacks are coupled, movement of the first weight stack requires movement of the second weight

stack. Each weight stack comprises a plurality of vertically stacked weights movable along different axes. The weight resistance arrangement may be easily added to an existing exercise machine to augment its capabilities.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-13, 18, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Webb et al.* (US Pat. 5,776,040) in view of *Webber* (US Pat. 5,951,444). *Webb et al.* has been discussed above, and such discussion is incorporated herein. *Webb et al.* discloses the invention as claimed except for means for coupling the first weight stack and the second weight stack to a second exercise station such that movement of the second exercise station requires movement of both the first weight stack and the second weight stack (claim 11), the means for coupling comprising a second coupling system (claim 12), the second coupling system comprising a coupling member configured to couple the second weight stack to the first weight stack (claim 13); a second exercise station selectively (claim 19) coupled to the second resistance assembly (claim 18); and a second exercise station with a second coupling system configured to couple the first weight stack and the second weight stack to the second exercise

station such that movement of the second exercise station requires movement of at least one plate from each of the first weight stack and the second weight stack (claim 21).

Webber discloses cable and pulley arrangements to provide resistance to multiple exercise stations using a single resistance source. It is well known in the exercise art to use floating pulley arrangements to provide multiple exercise stations with resistance from a single resistance source. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the resistance source of *Webb et al.* with a floating pulley arrangement and at least a second exercise station, since *Webber* discloses that a single resistance source can provide resistance to multiple exercise stations by use of floating pulley arrangements.

Regarding claims 11-13, the means for coupling the first weight stack and the second weight stack to a second exercise station such that movement of the second exercise station requires movement of both the first weight stack and the second weight stack would comprise the pin 116'.

Regarding claim 21, the second coupling system configured to couple the first weight stack and the second weight stack to the second exercise station such that movement of the second exercise station requires movement of at least one plate from each of the first weight stack and the second weight stack would comprise the floating pulley arrangement; and the first coupling system would comprise the pin 116' of *Webb et al.*

Allowable Subject Matter

6. Claims 6, 7 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not disclose an exercise apparatus wherein a second attachment system comprises the coupling member as described (claims 6 and 7); or a second coupling member that selectively couples the second weight stack to the first weight stack (claim 22).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gajda (US Pat. 4,154,441), *Nurkowski* (US Pat. 4,627,615), *Schleffendorf* (US Pat. 4,648,594), *Jones* (US Pat. 4,834,365), *Svanberg* (US Pat. 6,095,954) and *Ellis et al.* (US Pat. 6,719,672 B1) disclose exercise apparatus comprising multiple resistance assemblies reading on the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (703) 308-2865 until Nov. 2, 2004. After Nov. 2, the new telephone number will be (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (703) 746-4891 until Nov. 2, 2004. After Nov. 2, the new informal fax number will be the same as my telephone number, (571) 272-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine R. Yu can be reached on 703-308-2675.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
September 22, 2004



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

9/28/04